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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09 821,554	03 29 2001	Weng Chang	67,200-367	5869

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TUNG & ASSOCIATES
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EXAMINER

UMEZ ERONINI, LYNETTE T

ART UNIT	PAPER NUMBER
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1765

DATE MAILED: 09/19/2002

27

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/821,554

Applicant(s)

CHANG ET AL.

Examiner

Lynette T. Umez-Eronini

Art Unit

1765

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 12 September 2002 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: noneClaim(s) objected to: noneClaim(s) rejected: 1-15Claim(s) withdrawn from consideration: none

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.

Continuation of 5. does NOT place the application in condition for allowance because: Applicant's argues that none of the claims may be properly rejected under 35 U.S.C. 103(a) over Yu (US 6,004,883) in view of Hopper et al. (US 6,030,901), Avanzino et al. (US 5,691,238) and Chiang et al. (US 6,027,238) since Hopper fails to teach a laminated pair of dielectric material layers with intrinsic etch stop characteristics, as is required within applicant's invention as disclosed and claimed within claims 1 and 8.

Applicant's arguments are unpersuasive because a laminated pair of dielectric layers is not required by the claims.

Applicant further argues that Hopper fails to teach a patterned first dielectric layer is formed of dielectric material having a first dielectric constant of less than 4.0, which provides an intrinsic etch stop within a dual damascene method and fails to provide a motivation for combining with Yu.

Applicant's argument is unpersuasive because Hopper teaches a dielectric layer having a dielectric constant of less than 4, employing damascene processing, including single and dual damascene processing (column 2, lines 47-55 and column 5, lines 18-24) and using low dielectric constant materials reduces parasitic resistance capacitance time delays (column 3, lines 47-51). Hence using Hopper's dielectric layer, which is the same as that of the claimed invention, would inherently provide an intrinsic etch stop within a dual damascene method, for the purpose of reducing parasitic capacitances between conductive patterns.

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